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DDA 84-3174/4

1 November 1984

MEMORANDUM FOR: Executive Director

FROM: Harry E. Fitzwater
Deputy Director for Administration

SUBJECT: Congressional/PFIAB Relationships with the Agency

REFERENCE: EXDIR note to DDs dtd 25 Oct 84 re same subject
(ER 84-9630)

Following are random comments on your paper regarding congressional oversight and PFIAB:

a. Congressional Oversight

(1) The Executive and Legislative Branches' power relationships follow long-term cycles that depend on the personalities and power of individuals within these branches at a given time. Regardless of the cyclical nature of the system, it is doubtful that the Agency can ever turn back the congressional clock to the relationship that existed circa 1950/1960. Neither is it likely that Congress would ever consider giving up oversight totally to the Executive Branch or an independent body. Some modification of the oversight machinery may be possible, e.g., reducing the size of the staffs, but even that will be difficult to accomplish without strong support from Congress itself.

(2) Instead of trying to deal with the problem by attacking it on the congressional side, perhaps we need to look at ourselves. Maybe our efforts would be better utilized if we tried to build a long-term credible relationship with Congress which does not compromise secrets and which permits Congress to endorse Agency actions while keeping hands clean for constituency relations. This is easier said than done.

(3) As you are aware, a common congressional reaction has been "If we don't ask the questions, you won't give us the answers." With that mind set, Congress, and particularly the staffers, protect

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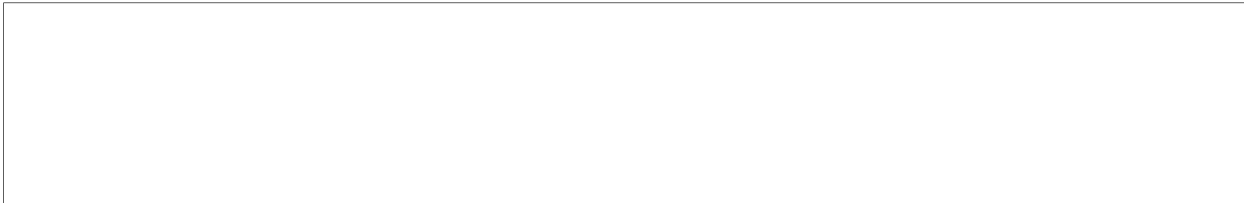
their own skins, and feel they must ask all the questions they can to make sure they are able to respond to their masters. This must be turned around and can be with time. We have heard the complaint that different Agency testifiers will give different answers to the same question? We have all been frustrated on this point. The situation must be improved. We must begin the reform process by asking ourselves some tough questions. Are we properly organized? Are our presentations properly coordinated? Are we adequately candid, or does the "if we don't ask, we don't know" charge have some validity?

(4) If we are to make proposals for congressional change, it might be advantageous to say we have made the changes on our own. That can create a cooperative rather than a competitive spirit.

(5) We are going through a very unusual era driven by the current situation in Central America. Some would say that heretofore the congressional oversight process has worked pretty well. Are we witnessing an incidental anomaly or a long-term worrisome trend. The paper assumes the latter. Is that a fair assumption? If not, then it should be possible to re-establish the trust that existed prior to the Central American aberration? That will require action on both sides.

(6) John Stein is right on page 2. An historical venue is illustrative. [redacted] program started, State was the advocate and handled all the policy testimony. We were the executors, as John Stein states. We described what we were doing to support State and the State policy. Now it appears that we have deviated somewhat from that successful formula and that, in defending the execution, we, in effect, have begun defending the policy itself.

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(8) What this Agency needs is healthy and vigorous congressional oversight. Establishing a new Executive Branch or outside oversight group, by legislation or executive order, appears to be a bad idea. Ultimately, the representatives and senators must be held accountable by their constituents for the conduct of the U.S. Government. They cannot, and indeed, should not, abdicate that responsibility to an outside body. They have to vote on the budget. To vote, they must be informed. Sending the information through a third party only risks further confusion.

(9) In sum, we want the status quo ante. To figure out how to get there, we have got to first take a hard look as to how we lost our way. If we can identify those problems, the solutions may

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present themselves. Effective liaison with Congress must begin at the top. If Admiral Inman did anything right, that was it. He enjoyed tremendous success and was able to inject himself into the system that benefited the entire Intelligence Community.

(10) Possible actions are as follows:

(a) Hire a few experts as assistants to Chuck and Ed who have had congressional experience. [] was an individual who seemed to understand the mystic and subculture of the system. Individuals who have had experience as lobbyists might be considered.

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(b) Establish a credo for guidance as to who goes to the Hill and how liaison will be conducted. This credo should insist on briefers being candid, honest, and with no bravado. If we don't know the answer, don't wing it. There should be mandatory sessions before any briefing on content, procedure, protocol, etc. Chuck or Ed should be given total control for liaison with Congress. They should insist on briefers doing their homework and that they have the facts bearing on the problem. The briefers need to be impressive people and not just anyone who comes along or is immediately available.

(c) We should seek to polygraph the staffers. We could then be more comfortable with the security of information being provided and there would be less likelihood of games being played between the Agency and Congress. There would be more tendency for candor on our part.

(11) How the Congress does its business will always be troublesome and be with us. We believe we do have the right to insist on the number of individuals briefed on a sensitive operational activity being held to a minimum. Therefore, reducing the number of staffers should be accomplishable and the main thrust of our effort.

(12) Finally, it should be noted and stressed that most of this Agency's problems with legislative liaison and legislative oversight have related to covert action matters. The question that begs for an answer therefore is: Does the fault lie with the legislative liaison machinery and practitioners or rather with the covert action apparatus and operators?

b. PFIAB

(1) This Directorate has very little interface with PFIAB, so it is hard for us to judge their utility or whether their *modus operandi* is good or bad. We have briefed the Board on some issues,

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i.e., the Reserve, retirement, use of the polygraph, and leaks of classified information. [redacted]

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Perhaps we have here a reverse of the old adage, we should pay more attention to the individual trees in the forest rather than the forest itself.

(2) From the discussions I have overheard at staff meetings, it does seem that the Board has become more of an investigative body and, in fact, another oversight committee. PFIAB, like HPSCI and SSCI, are charged with looking at the Intelligence Community, but both seem to derive their pleasures from overseeing CIA. What are the other agencies doing right and we doing wrong?

(3) Probably what is needed most in PFIAB is guidance from the individual "they are advising," the President. One way for this guidance to be provided would be for the DCI, as head of the Intelligence Community, to submit to the NSC for concurrence and the President for approval, an annual agenda for PFIAB. This agenda should focus on collection requirements and not at IG issues. It should outline areas that are contained in the big picture to keep them from wallowing in trivia. They should be the conscience of the IC Staff. We believe this would help the system. Today they make up their own agenda which is wrong. It should be provided by the President.

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[redacted]
Harry E. Fitzwater

DDA/HEFitzwater: [redacted] (1Nov84)

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